

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ELITE PRECISION CUSTOMS LLC, et al.,

Plaintiffs,

v.

THE BUREAU OF ALCOHOL,
TOBACCO, FIREARMS AND
EXPLOSIVES, et al.,

Defendants.

No. 4:25-cv-00044

DEFENDANTS' THIRD UNOPPOSED MOTION FOR AN EXTENSION OF TIME

Pursuant to Local Rule 7.1 and Fed. R. Civ. P. 6(b), Defendants respectfully request that this Court extend Defendants' deadline to respond to Plaintiffs' Complaint by 30 days and correspondingly extend the briefing deadlines set in the Court's April 28, 2025 scheduling order. Plaintiffs do not oppose this Motion. In support thereof, Defendants state as follows:

1. On January 20, 2025, Plaintiffs filed a Complaint bringing a Second Amendment challenge to the federal ban on the interstate transfer of handguns seeking declaratory and injunctive relief. ECF No. 1. Defendants' response was initially due April 4, 2025. *See* Fed. R. Civ. P. 12(a)(2).

2. Following a change in administration, on February 7, 2025, President Trump issued an Executive Order titled Protecting Second Amendment Rights. *See* President Donald J. Trump, Presidential Actions: Protecting Second Amendment Rights (Feb. 7, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/protecting-second-amendment-rights>. Among other things, the Order directs the Attorney General to review "[t]he positions taken by the United States in any and all ongoing and potential litigation that affects or could affect the ability of Americans to exercise their Second Amendment rights." *Id.* § 2(b)(v)

3. In light of that development, Defendants moved the Court to extend their deadline to respond to the Complaint by 30 days. The Court granted that Motion on March 31, 2025 and set May 5, 2025 as the deadline for Defendant's response. ECF No. 25.

4. On April 11, 2025, the Court ordered the parties to conduct a Scheduling Conference and submit a Report Regarding Contents of Scheduling Order ("Joint Report"). ECF No. 26. On April 25, 2025, the parties submitted the Joint Report, which included a proposed schedule providing for Defendants to submit their anticipated Motion to Dismiss by May 5, 2025. ECF No. 31. On April 28, 2025, the Court adopted the parties' proposed schedule. ECF No. 32.

5. On May 1, 2025, Defendants filed an unopposed motion for a four-day extension to respond to the Complaint, ECF No. 33, which the Court granted that same day. ECF No. 34.

6. Defendants respectfully move to extend their deadline to respond to the Complaint, including the deadline to file a Motion to Dismiss, by 30 days to provide additional time for appropriate coordination within the Department of Justice and with stakeholder agencies given the nature of the claims raised. Defendants move to extend all briefing deadlines in the Court's April 28, 2025 scheduling order in line with this extension. Granting this Motion will result in the following deadlines:

- a. Defendants' Motion to Dismiss: **June 9, 2025;**
- b. Plaintiffs' Opposition and Cross-Motion for Summary Judgement: **July 14, 2025;**
- c. Defendants' Response & Reply: **August 13, 2025.**

Dated: May 8, 2025

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General
Civil Division

ANDREW I. WARDEN
Assistant Branch Director

/s/ Samuel Bean

SAMUEL BEAN (MD)
Trial Attorney
Civil Division, Federal Programs Branch
P.O. Box 883
Ben Franklin Station
Washington, D.C. 20044
Tel: (202) 455-9619
Samuel.B.Bean2@usdoj.gov

Counsel for Defendants

CERTIFICATE OF CONFERENCE

I hereby certify that on May 8, 2025, a Department of Justice attorney spoke with Plaintiffs' counsel to request their position on this motion and was informed by Will Bergstrom, counsel for Plaintiffs, that they do not oppose this motion.

/s/ Samuel Bean

SAMUEL BEAN

Trial Attorney

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2025, I electronically filed the foregoing paper with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

/s/ Samuel Bean

SAMUEL BEAN

Trial Attorney